IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE

N/S Cedar Grove Road, 322 ft W

of c/l Frankewitz Road * ZONING COMMISSIONER

811 Cedar Grove Road

15th Election District * OF BALTIMORE COUNTY

5th Councilmanic District

Edward W. Giese, Jr., et ux * Case No. 97-420-A

Petitioners

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on a Petition for Variance for the property located at 811 Cedar Grove Road in the Cedar Grove/Holly Neck community of eastern Baltimore County. The Petition was filed by Edward W. Giese, Jr and Cynthia A. Giese, his wife, property owners. Variance relief is requested from Sections 1A04.3.B.1, 1A04.3.B.3 and 304 of the Baltimore County Zoning Regulations (BCZR) to permit side yard setbacks of 10 ft. in lieu of the required 50 ft.; and to permit construction of a new dwelling on an undersized R.C.5 lot. The subject property and requested relief are more particularly shown on the plat to accompany the Petition for Variance, marked as Petitioners' Exh. No. 1.

Appearing at the public hearing held for this case were the Petition-ers/property owners, Edward W. Giese, Jr. and Cynthia A. Giese. There were no Protestants or other interested persons present.

Testimony and evidence presented was that the subject property is .35 acres in area, zoned R.C.5. This is a rectangularly shaped lot, with frontage on Sue Creek on eastern Baltimore County. Vehicular access to the property is by way of Cedar Creek Road.

The Petitioners have owned the property for approximately one year. Presently, the premises are improved with an existing house, which is very old and in a state of disrepair. In addition, the property features a 13 ft. x 14 ft. structure which the Petitioners refer to as a summer kitchen and a small privy shed. The Petitioners propose razing the three struc-

tures which are presently on the site. In replacement of same, they propose to construct a new single family dwelling. The dwelling will roughly be in the same footprint as the existing house, but will be slightly wider than the existing structure. The proposed dwelling will be the only structure on the site in that the summer kitchen and privy buildings will be removed. The Petitioners indicated that the proposed single family dwelling was compatible with the community and appropriate for the lot.

As noted above, the property is zoned R.C.5. Under that zoning classification, side yard setbacks of 50 ft. are required. Obviously, these cannot be met in that the lot, itself, is only 50 ft. wide. As is the case with many waterfront lots in Baltimore County, this is an older community which was originally platted with 50 ft. lots.

Based upon the testimony and evidence presented, I am persuaded to grant the Petition for Variance. Obviously, the Petitioners would suffer practical difficulty if variance relief were denied, in that the construction of a single family dwelling on the property would not be permissible.

Notwithstanding the grant of this relief, however, same will be conditioned. In this regard, comments from the Development Plans Review Division and the Department of Environmental Protection and Resource Management (DEPRM) were received from the Zoning Plans Advisory Committee (ZAC). These comments both indicate that the Petitioners must comply with the Federal Flood Insurance requirements and the provisions of the Chesapeake Bay Critical Area Regulations. Thus, compliance with the ZAC comments will be required.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the Petition for Variance shall be granted.

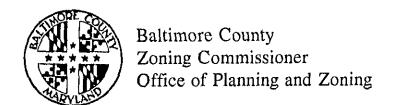
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of May, 1997 that a variance from Sections 1A04.3.B.1, 1A04.3.B.3 and 304 of the Baltimore County Zoning Regulations (BCZR) to permit side yard setbacks of 10 ft. in lieu of the required 50 ft.; and to permit construction of a new dwelling on an undersized R.C.5 lot, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2. The Petitioners shall comply with all requirements of the Department of Environmental Protection and Resource Management as set forth in their comments dated April 30, 1997.
- 3. The Petitioners shall comply with the comments submitted by the Baltimore County Zoning Plans Advisory Committee (ZAC), namely, Development Plans Review Division dated April 14, 1997.
- 4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES/mmn



Suite 112, Courthouse 400 Washington Avenue Towson, Maryland 21204 (410) 887-4386

May 21, 1997

Mr. and Mrs. Edward W. Giese, Jr. 2913 Willoughby Road Baltimore, Maryland 21234

> RE: Petition for Variance Case No. 97-420-A

> > Property Location: 811 Cedar Grove Road

Dear Mr. and Mrs. Giese:

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours

Lawrence E. Schmidt Zoning Commissioner

LES:mmn encl.

RE: PETITION FOR VARIANCE	*	BEFORE THE
811 Cedar Grove Road, N/S Cedar Grove Rd,		
322' W of c/l Frankewitz Road	*	ZONING COMMISSIONER
15th Election District, 5th Councilmanic		
	*	OF BALTIMORE COUNTY
Edward W. and Cynthia A. Giese, Jr.		
Petitioners	*	CASE NO. 97-420-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

HRGS, FR1. 5/9

Peter Max Zimmerman

Peter Max Zimmerman

People of Council for Political County

People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this ______ day of May, 1997, a copy of the foregoing Entry of Appearance was mailed to Edward W. and Cynthia A. Giese, Jr., 2913 Willoughby Road, Baltimore, MD 21234, Petitioners.

Peter Maro Timmaman PETER MAX ZIMMERMAN

Petition to the Zoning Comm



to the Zoning Commissioner of Baltimore County

for the property located a	t 811 Cedar Grove Rd
97-420-A	which is presently zoned RC 5
This Petition shall be filed with the Office of Zoning Adminish The undersigned, legal owner(s) of the property situate in Bai hereto and made a part hereof, hereby petition for a Variance file.	stration & Development Management.
EMITSIDE YALD SET BACKSOF 10	itimore County and which is described in the description and plat attached rom Section(s) 1404, 38,183 and 304, 8022
Of the Zoning Regulations of Baltimore County, to the Zoning Le	aw of Baltimore County; for the following reasons: (indicate hardship or
1) Property Line s	and a summary for the following reasons: (Indicate hardship or
TO LOUGHTY TIME 8	ier backs
TO BE PRE	ESENTED AT HEAPING.
Property is to be posted and advertised as prescrit, or we, agree to pay expenses of above Variance advertising, be bound by the zoning regulations and restrictions of Baltimore	ibed by Zoning Regulations. posting, etc., upon filing of this petition, and further agree to and are to a County adopted pursuant to the Zoning Law for Baltimore County.
Contract Putchaser/Lessee:	I/We do solemnly declare and affirm, under the penalties of penury, that I/we are the legal owner(s) of the property which is the subject of this Petition
	(legal Owner(s):
(Type or Print Name)	TDWARD W Grese Fr.
Signature	Edward & Sieie Jr.
ddress	(Type or Print Name)
Sity State Zipcode	Centhia a. Giese
ttorney, for Petitioner:	(H) 661-4940
ype or Print Name)	2913 WILLOUGHBY Rd (W) 410-245-606 Address Fhone No
gnature	BALTITIONE MO. 21234
i intrale	Name, Address and phone number of representative to be confacted.
ddress Phone No.	SAME.
ity State Zipcode	Address Phone No.
Adming	OFFICE USE ONLY
Spire Manual Court	ESTIMATED LENGTH OF HEARING
•	unavailable for Hearing the following dates
Printed with Soybean Ink on Recycled Paper	ALLOTHER

REVIEWED BY:___

Upon completion of the proposed work. We hereby state that 811 Cedar Grove Road will be our primary residence.

Edward W.Giese Jr.

Cynthia A. Giese

Cypthia a. Lise

NOTONG PORTO

Mayrenal Nadolog mus comm en C-1-59 comm us Vanesal Elaca

20NING DESCRIPTION 7-420-A

Beginning at a point on the north side of Cedar Grove Rd which is 30' wide at the distance of 322' west of the centerline of the nearest improved street Frankewitz Rd. which is 30' wide. Being lot #13 in the Sub-division of Cedar-Grove/Holly-Neck as recorded in Baltimore County in Plat book CWB, Jr. no.12 folio 122 containing 15,500 s.f. Also known as 811 Cedar Grove Rd and located in the 15th election district, 5th councilmanic district.

420

FICE OF FINANCE - REVENT	ECEIPI	20-A
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CERTIFICATE OF PUBLICATION

TOWSON, MD., Cop 1997

THIS IS TO CERTIFY, that the annexed advertisement was

THE JEFFERSONIAN,

1. Hemileur

CERTIFICATE OF POSTING

RB: Case # 97-420-A

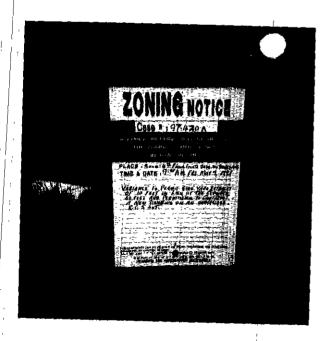
Petitioner/Developer: (Edward W. Glese) Date of Hearing/Glesing: (May 9, 1997)

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law			
were posted conspicuously on the property located at			
811 Cedar Grove Road , Baltim	ore, Maryland 21221		
The sign(s) were posted on	April 23, 1997 (Month, Day, Year)	-	
	(Month, Day, Year)		



Sincerely,

(Signature of Signaposter & Date)

Thomas P. Ogle, Sr._______
(Printed Name)

______325 Nicholson Road_______
(Address)

Baltimore, Maryland 21221_______

(416)-687-8465_______
(Telephone Number)

97-420-A



Baltimore County
Department of Permits and
Development Management

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

	ž	ARNOLD JABLON,	DIRECTOR	
For newspaper adverti	icina.			
Item No.: 420 Pe	-	en Cour		
Location: 811				
		s For		
PLEASE FORWARD ADVERTISING BILL TO: NAME: EDWARD W. Glese Jr				
				
ADDRESS: 2913 W.				
BALTINOTE, M.	10 21234		,	
PHONE NUMBER: 661	- 4940			

Request for Zoning: Vance, Special Exception, or Special Hearing
Date to be Posted: Anytime before but no later than
Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 97-420-A

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

PLACE: *			
DATE AND TI	ME:		
REQUEST:	A UARIANCE	E TO PERMIT	10 SIDEYARD
SETBAC	KS AND	ANDWELLING	ON AN UNDERSIZE
RC-5	LOTI		

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

9/96 post.4.doc

*UPON RECEIPT OF THE NOTICE OF HEARING, THE PETITIONER OR HIS AGENT FILLS IN THIS INFORMATION AND THEN FORWARDS THIS FORM TO THE SIGN POSTER.

TO: PUTUXENT PUBLISHING COMPANY
April 10, 1997 Issue - Jeffersonian

Please foward billing to:

Edward W. Giese, Jr. 2913 Willoughby Road Baltimore, MD 21234 661-4940

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in <u>Towson, Maryland</u> on the property identified herein as follows:

CASE NUMBER: 97-420-A 811 Cedar Grove Road N/S Cedar Grove Road, 322' W of c/l Frankewitz Road 15th Election District - 5th Councilmanic Legal Owner(s): Edward W. Giese, Jr. and Cynthia A. Giese

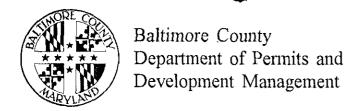
Variance to permit side yard setbacks of 10 feet in lieu of the required 50 feet and permission to construct a new dwelling on an undersized R.C. 5 lot.

HEARING: FRIDAY, MAY 9, 1997 at 9:00 a.m., 4th floor hearing room Courts Bldg,, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

April 7, 1997

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in <u>Towson</u>, <u>Maryland</u> on the property identified herein as follows:

CASE NUMBER: 97-420-A 811 Cedar Grove Road

N/S Cedar Grove Road, 322' W of c/1 Frankewitz Road

15th Election District - 5th Councilmanic

Legal Owner(s): Edward W. Giese, Jr. and Cynthia A. Giese

Variance to permit side yard setbacks of 10 feet in lieu of the required 50 feet and permission to construct a new dwelling on an undersized R.C. 5 lot.

HEARING: FRIDAY, MAY 9, 1997 at 9:00 a.m., 4th floor hearing room Courts Bldg,, 401 Bosley Avenue.

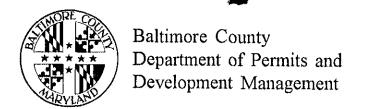
Arnold Jablon

Director

cc: Edward and Cynthia Giese

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY APRIL 24, 1997.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
- (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

May 6, 1997

Mr. and Mrs. Edward Giese 2913 Willoughby Road Baltimore, MD 21234

> RE: Item No.: 420

> > Case No.: 97-420-A

Petitioner: Edward Giese, et ux

Dear Mr. and Mrs. Giese:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on March 27, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

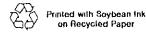
If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely,

W. Carl Richards, Jr.

Zoning Supervisor

WCR/re Attachment(s)



		Attach original petition	Due Date <u>4/30/97</u>			
То:		Arnold L. Jablon				
From: Subject:		Bruce Seeley				
		Zoning Item #420				
		Giese 811 Cedar Grove Ro	pad			
		Zoning Advisory Committee	Meeting of April 7, 1997			
		epartment of Environmental ents on the above-reference	Protection and Resource Management has no de zoning item.			
е	extens	epartment of Environmental sion for the review of the abo environmental regulations a	Protection and Resource Management requests an ove-referenced zoning item to determine the extent to pply to the site.			
_X_T	he D ollowi	epartment of Environmentaling comments on the above-	Protection and Resource Management offers the referenced zoning item:			
Development of the property must comply with the lof Water Quality, Streams, Wetlands and Floodplair 14-350 of the Baltimore County Code).		of Water Quality, Streams, \	y must comply with the Regulations for the Protection Wetlands and Floodplains (Sections 14-331 through unty Code).			
_	· · · · · ·	Development of this proper Regulations (Sections 14-4)	y must comply with the Forest Conservation 11 through 14-422 of the Baltimore County Code).			
X		Development of this proper Regulations (Sections 26-4: Baltimore County Code).	ry must comply with the Chesapeake Bay Critical Area 36 through 26-461, and other Sections, of the			
.	Χ	Ground water Manage	ement: A replacement house will be permitted with a			
		restriction on the floor	areas. No basement will be allowed. Refer to R.			
		Powell for more detail	ed information.			
****		File Andrew Land House Profession at August Profess				



David L. Winstead Secretary Parker F. Williams Administrator

Ms. Roslyn Eubanks Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE: Baltimore County 4 - 4 - 97

Item No.

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

P. J. Swill Ronald Burns, Chief

Engineering Access Permits

Division

LG

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: April 14, 1997

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Chief

CARREST CONTRACTOR INC.

Development Plans Review Division

SUBJECT:

Zoning Advisory Committee Meeting

for April 14, 1997

Item No. 420

The Development Plans Review Division has reviewed the subject zoning item.

The property to be developed is located adjacent to tidewater. The Developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.

In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 foot over the flood plain elevation in all construction.

The flood plain management elevation is 11.2 feet for the site.

RWB:HJO:cab

cc: File

ZONE414.420

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

FROM: Arnold F. "Pat" Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

Lery W. Log Edry L. Kerns

Item Nos. 412 & 420

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495

Prepared by:

Division Chief:

AFK/JL

Baltimore County Government Fire Department





700 East Joppa Road Towson, MD 21286-5500

April 9. 1097

Arnold Jabton. Director
Zoning Administration and Development Management
Baltimore County Office Eurlding
fewson, MO 21204
MAIL STOP-1105

PL: Property Owner: SEE BUION
Location: DISTRIBUTION MEFFING OF April 7, 1997

flem No.: See Bulow

Zoning Agenda:

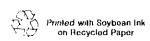
Genellamen:

Fursuant to your request, the referenced property has been surveyed by this Bureau and the comments below and applicable and required to be corrected or incorporated into the final plans for the property.

G. The Fire Marchal's Dirice has no comments at this time. IN RESERVOY TO THE FOLLOWING ITEM NUMBERS:

410. 412, 413, 415, 416, (420,) and 424

RESTEWER: LT. ROBERT P. SAUERWALD
Fire MacShal Office, PHONE 807-4881, MS-1102F
don: file



BALTIMORE COUNTY, MARYLAND Inter-Office Memorandum

DATE:

March 27, 1997

TO:

Hearing Officer

FROM:

Joseph C. Merrey Planner I

Zoning Review, PDM

SUBJECT:

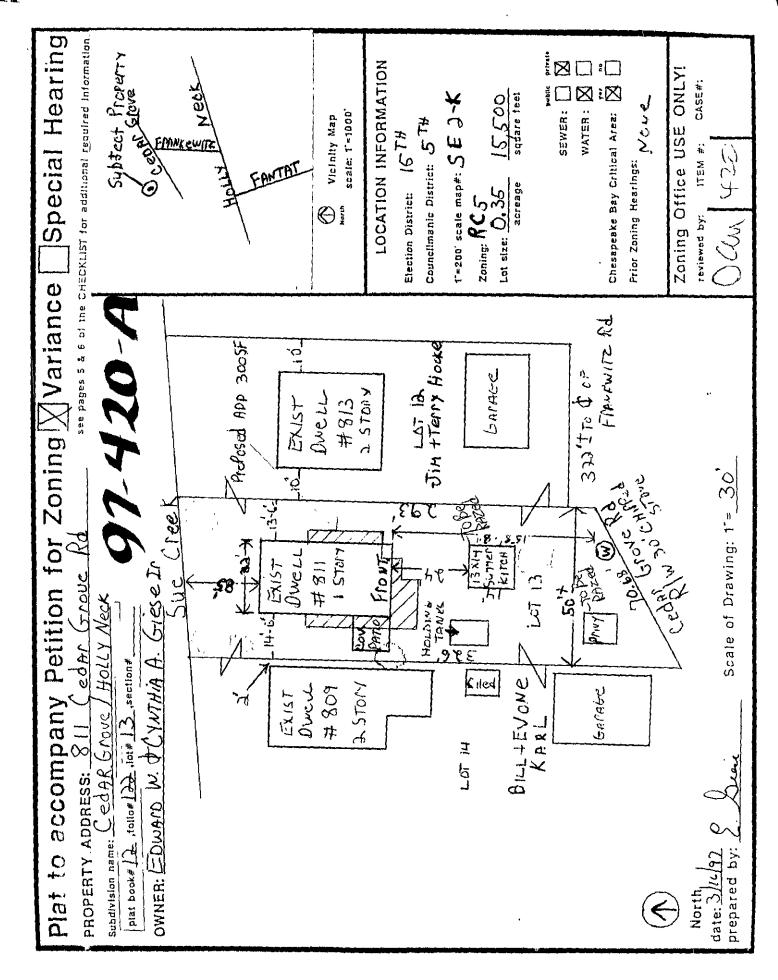
Item #420

811 Cedar Grove Road

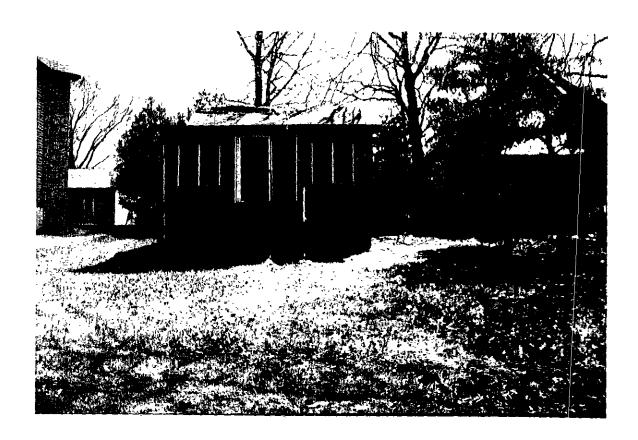
Applicant has decided to file the "compatibility" review at a later date as he has not decided on a particular house type.

JCM:scj

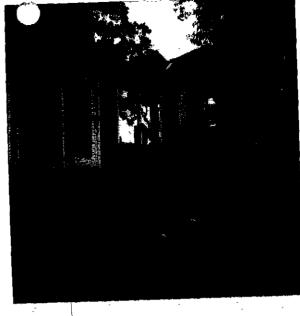
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